



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS TRIBAL LANDS BIDDING CREDIT CERTIFICATION DEADLINE FOR CERTAIN APPLICANTS.

On March 14, 2003, the Commission issued a *Second Report and Order and Second Further Notice of Proposed Rulemaking* in WT Docket No. 99-266¹ in which it extended, from 90 days to 180 days, the period in which applicants seeking tribal lands bidding credits must file certain certifications.² In extending the certification deadline to 180 days, the Commission concluded that the 90-day time frame made it difficult for applicants to qualify for the bidding credit.³ That rule change became effective on July 1, 2003.

There are, however, certain applicants that filed their FCC Form 601 applications prior to July 1, 2003, but whose initial 90-day certification period has not yet elapsed (specifically, the winning bidders in Auction Numbers 46, 48 and 49 that indicated an intent to seek a tribal lands bidding credit on their FCC Forms 601). We conclude that it is in the public interest to grant a limited waiver of the 90-day deadline for such applicants in light of the Commission's determination that 90 days may not be a sufficient period of time in which to obtain certifications. Accordingly, we extend to 180 days, the certification deadline for those applicants that filed prior to July 1, 2003, and that are currently still within their initial 90-day certification period.⁴

For further information, contact Denise Walter, Commercial Wireless Division, Wireless Telecommunications Bureau, at 202-418-0620 or denise.walter@fcc.gov.

¹ Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99-266, *Second Report and Order and Second Further Notice of Proposed Rulemaking*, 18 FCC Rcd 4775 (2003) (*Second Report and Order*).

² Following the filing of its long-form application (FCC Form 601) filing deadline, an applicant seeking a tribal lands bidding credit must provide certification from the tribal government(s) that: (1) it will allow the bidder to site facilities and provide service on its tribal land(s), in accordance with our rules; (2) it has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate against any carrier; and (3) its tribal land is a qualifying tribal land as defined in our rules, i.e., an area that has a telephone penetration rate at or below 70 percent. The applicant must also file a certification that it will comply with the bidding credit build-out requirement, and that it will consult with the tribal government regarding the siting of facilities and deployment of service on the tribal land. See 47 C.F.R. § 1.2110(f)(3).

³ See *Second Report and Order*, 18 FCC Rcd at 4779, para. 10.

⁴ Certain waiver requests regarding the tribal lands bidding credit are currently pending. This action does not affect the merits of such waiver requests.

Action by the Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.